

United States District Court
Southern District of Texas
FILED
JAN 30 2014
David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

vs.

JIMMY ORTIZ

§
§
§
§
§

CRIMINAL NO.

14-0049

CRIMINAL INDICTMENT

THE GRAND JURY CHARGES THAT:

INTRODUCTION

At all times material to this Indictment:

1. The term "minor" is defined, pursuant to Title 18, United States Code, Section 2256(1), as "any person under the age of eighteen years."

2. The term "sexually explicit conduct" is defined, pursuant to Title 18, United States Code, Section 2256(2), as any:

"actual or simulated -

- (i) sexual intercourse, including genital [to] genital, oral [to] genital, anal [to] genital, or oral [to] anal, whether between persons of the same or opposite sex; [or]
- (ii) bestiality; [or]
- (iii) masturbation; [or]
- (iv) sadistic or masochistic abuse; or
- (v) [the] lascivious exhibition of the genitals or pubic area of any person."

3. The term "computer" is defined, pursuant to Title 18, United States Code, Sections 2256(6) and

1030(e)(1), as any:

"electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device, but such term does not include an automated typewriter or typesetter, a portable hand held calculator or other similar device."

4. The term "visual depiction" is defined, pursuant to Title 18, United States Code, Section 2256(5), as including, but is not limited to, any:

"undeveloped film and videotape, and data stored on computer disk or by electronic means which is capable of conversion into a visual image."

5. The term "producing", for purposes of this Indictment, is defined, pursuant to Title 18, United States Code, Section 2256(3) and case law, as:

"producing, directing, manufacturing, issuing, publishing or advertising" and includes downloading images from another source, by using materials, including a computer or parts thereof.

COUNT ONE
(Distribution of Child Pornography)

On or about July 3, 2013, within the Southern District of Texas and elsewhere,

JIMMY ORTIZ,

Defendant herein, did knowingly distribute material that contained child pornography using any means and facility of interstate and foreign commerce.

In violation of Title 18, United States Code, Section 2252A(a)(2)(B) and Section 2252A(b)(1).

COUNT TWO
(Possession of Child Pornography)

On or about September 27, 2013, within the Southern District of Texas,

JIMMY ORTIZ,

Defendant herein, did knowingly possess computers and other computer media that contained multiple images of child pornography, which had been shipped and transported using any means and facility of interstate and foreign commerce, including by computer, or which were produced using materials which have been mailed, shipped, and transported in and affecting interstate and foreign commerce, by any means, including by computer; more specifically, the defendant possessed one HP desktop computer containing a Western Digital hard drive, a Gateway laptop computer containing an IBM hard drive, and a Dell desktop computer containing a Western Digital hard drive, containing video and still images of child pornography.

All in violation of Title 18, United States Code, Sections 2252A(a)(5)(B), 2252A(b)(2) and 2256(8)(A).

NOTICE OF FORFEITURE
18 U.S.C. § 2253(a)

Pursuant to Title 18, United States Code, Section 2253(a)(2) and (a)(3), the United States gives the defendant notice that in the event of conviction for any/all of the offenses charged in Counts One through Two of the Indictment, the United States will seek to forfeit all property, real and personal, constituting or traceable to gross profits or other proceeds obtained from the offenses charged in Counts One through Two; and all property, real and personal, used or intended to be used to commit or to promote the commission of the offenses charged in Counts One through Two, or any

property traceable to such property, including, but not limited to, the following:

One HP desktop computer, serial number 2MD31405NP,

One Western Digital hard drive, serial number WCC2EY9337529,

One Gateway laptop computer, serial number 0029444614,

One IBM hard drive, serial number DCGPZ5XB,

One Dell desktop computer, serial number 23YH4K1,

One Western Digital hard drive, serial number WCASY5017797.

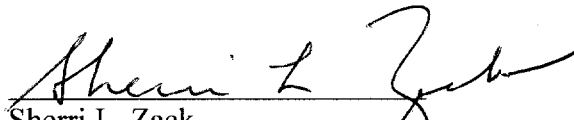
A True Bill:

Original Signature on File

Grand Jury Foreperson

KENNETH MAGIDSON
United States Attorney,

By:


Sherri L. Zack
Assistant United States Attorney
713-567-9374